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Draft guiding principles for international negotiations

Report of the Secretary-General

Addendum

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II. Comments and proposals received from States

Mexico

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1. Mexico expresses its appreciation to the Government of Mongolia for the proposal it has presented. The task of gathering into one single instrument the principles of international law that are applicable to one of the mechanisms that is most widely used by States in settling their differences is undoubtedly a complex one.

2. The principles of international law that are applicable to the peaceful settlement of disputes and, consequently, to negotiations, are well established in international law. The Charter of the United Nations, as well as several declarations of the General Assembly, among other instruments, have developed these principles in an exhaustive and satisfactory manner. In principle, there does not appear to be a practical need for an exercise geared only towards one particular mechanism, which could entail some risks.

3. Negotiation is the best mechanism there is for the settlement of disputes. Because of its dynamic nature and flexibility, it has become in effect a sort of "prerequisite" for recourse to other means. At some point in any dispute there are bound to be negotiations. Mexico considers that if the exercise of compiling principles is undertaken, the special nature of this means should be recognized, and the exercise should not have the effect, either directly or indirectly, of imposing limits on it.